

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

XAVIEN BURNS-NUNEZ,  
a minor, by and through his Guardian Ad Litem,  
Alondra Nunez, and ALONDRA NUNEZ,  
individually,

Plaintiffs,

v.

KAWEAH HEALTH, et al.,

Defendants.

CASE NO. 1:23-CV-0143-JLT-HBK

ORDER GRANTING JOINT MOTION TO THE  
EXTENT THE COURT STAYS THIS ACTION

(Doc. No. 14).

CLERK TO AUTOMATICALLY LIFT STAY ON  
MARCH 15, 2024

Pending before the is the Parties' joint motion to continue the mandatory Initial Scheduling Conference ("ISC") filed on December 15, 2023. (Doc. No. 14, "Motion"). The Parties request the Court to continue the ISC, currently set for December 28, 2023, until an indeterminate date because Plaintiff intends on filing a related action under the Federal Tort Claims Act ("FTCA"). (*Id.* at 2). Plaintiff requests the ISC be continued to future date after the instant action and anticipated new action are consolidated. (*Id.*). Plaintiff does not anticipate filing the new, related action until sometime in February 2024, because Plaintiff must await the denial of the administrative tort claim or the expiration of the six-month period mandated by the FTCA. (*Id.*). The Court construes the Motion as seeking a temporary stay of the action.

1 The Court is vested with broad discretion to stay a case. *Clinton v. Jones*, 520 U.S. 681, 705  
2 (1997) (citing *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). As a rule, “stays should not be  
3 indefinite in nature.” *Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066-67  
4 (9th Cir. 2007). The Court finds, in its discretion, that a limited stay of this action is appropriate under  
5 the circumstances and will stay this action pending the filing and consolidation of Plaintiff’s related  
6 action or no later than March 15, 2024. Plaintiffs shall comply with Local Rule 123(b) when filing the  
7 new action.

8 Accordingly, it is **ORDERED**:

- 9 1. The Parties’ joint motion to continue (Doc. No. 14) is GRANTED to the extent the Court  
10 STAYS this action and vacates the initial scheduling conference, currently set for December  
11 28, 2023, and all related deadlines.
- 12 2. If agreed, the Parties may comply with their Rule 26(a) obligations during the STAY.
- 13 3. Unless earlier ordered, the Clerk of Court shall automatically LIFT the STAY on **March 15,**  
14 **2024.**

15  
16 Dated: December 15, 2023

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE